

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TERRI A. HUBER and PURE BENEFITS,  
LLC, a New Mexico limited liability company,

Plaintiffs,

v.

1:23-cv-00464-JFR-LF

MED-CARE SENIOR INSURANCE  
SOLUTIONS, LLC, an Arizona limited  
liability company, SENIOR MARKET  
ADVISORS, LLC, a Delaware limited  
liability company, & AMERILIFE  
MARKETING GROUP, LLC, a Delaware  
limited liability company,

Defendants.

**ORDER GRANTING LEAVE TO FILE AMENDED COMPLAINT  
AND ACCESS TO CM/ECF E-FILEING SYSTEM**

THIS MATTER comes before the Court on pro se plaintiff Terri Huber's Response to Defendant's Notice of Removal and Requests, filed June 5, 2023. Doc. 13. In the response, Ms. Huber requests that the Court allow her to amend her complaint and represents that in the amended complaint, plaintiff Pure Benefits, LLC, will withdraw from the proceedings. *Id.* at 2. Ms. Huber also requests that she be allowed to use the CM/ECF e-filing system with her email address. *Id.* The Court construes Ms. Huber's response as a motion to amend. Defendants filed a notice of non-opposition on June 13, 2023. Doc. 16. Having read the submissions of the parties and noting that Ms. Huber's request to amend and to file electronically is unopposed, the Court finds the request well taken and will GRANT it.

Defendants do not oppose the Court granting Ms. Huber's request to amend but asks that Pure Benefits, LLC, be dismissed with prejudice. Doc. 16 at 2. The Court denies defendant's

request to dismiss Pure Benefits, LLC, with prejudice because the Court is not dismissing it at all. If Ms. Huber amends her complaint and Pure Benefits, LLC, is not included as a plaintiff, that is her prerogative. The Court reminds Ms. Huber, however, that if her amended complaint includes Pure Benefits, LLC, she cannot represent the LLC. “A corporation, partnership or business entity other than a natural person must be represented by an attorney authorized to practice before this court.” D.N.M.LR-Civ. 83.7. An attorney must enter an appearance on behalf of Pure Benefits, LLC, if it remains involved in this lawsuit.

Defendants further respond that if the Court allows Ms. Huber until July 15, 2023, to amend, they would like their deadline to answer or otherwise respond to the amended complaint to be extended until August 7, 2023. Doc. 16 at 2. Ms. Huber did not request a specific date but asked for 45 days to amend her complaint. Doc. 13 at 2. The Court will give Ms. Huber 45 days from the entry of this order to file an amended complaint. Defendants will have 14 days to respond to the amended complaint as provided in FED. R. CIV. P. 15.(a)(3), which will be well beyond August 7, 2023.

Finally, Ms. Huber does not need the permission of the Court to use the CM/ECF case management/electronic case file system. Ms. Huber may access the CM/ECF Pro Se Notification Form at <https://www.nmd.uscourts.gov/sites/nmd/files/ProSePackage.pdf>. She must fill out the form and file it with Court as instructed on the website to obtain access to the CM/ECF system.

IT IS THEREFORE ORDERED that Ms. Huber may have through July 31, 2023, to file an amended complaint.

  
Laura Fashing  
United States Magistrate Judge